

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CHARLES HAYNES,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-cv-00820

DR. TEODORO JIMENEZ and
PRIMECARE MEDICAL OF WV, INC.,

Defendants.

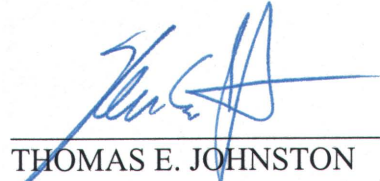
MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Second Letter-Form Motion for Reconsideration [Docket 40]. Plaintiff previously filed a Letter-Form Motion for Reconsideration [Docket 38], which the Court denied by Memorandum Opinion and Order [Docket 39] entered on November 12, 2008. In the instant motion, Plaintiff largely restates the merits of his claim. Pursuant to Rule 60, a court may relieve a party from a judgment for "any . . . reason that justifies relief." Fed. R. Civ. P. 60(b)(6). Here, Plaintiff offers no justification for such relief other than the conclusory statement that he has "a constitutional right to be heard." (Docket 40 at 2.) Plaintiff's right to be heard was vindicated when he filed his suit in October 2005. The Court has determined that he is not entitled to relief on his claims and Plaintiff has failed to provide any cognizable rationale to occasion the Court to reconsider its determination. Accordingly, Plaintiff's Motion for Reconsideration [Docket 40] is **DENIED**.

IT IS SO ORDERED.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 13, 2009

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE